



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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September 19, 2003

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**LETTER OF DEFICIENCY
No. WMD 03-21**

Northeast Auto Body
Route 302, P.O. Box 1169
North Conway, New Hampshire 03860

Attn: Mr. David Smith, President

**Re: Northeast Auto Body
North Conway, New Hampshire
EPA ID # NHD105727697**

Dear Mr. Smith:

On July 14, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Northeast Auto Body. The purpose of the inspection was to determine Northeast Auto Body's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps generated at Northeast Auto Body. DES inspectors also confirmed that Northeast Auto Body delivers waste lamps to the Conway Transfer Station for disposal.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Northeast Auto Body test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised, a waste determination may also be accomplished by Northeast Auto Body using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Northeast Auto Body may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. The enclosed DES Environmental Fact Sheet # WMD-HW-7, "Universal Waste Lamps: Management Requirements for Handlers and Transporters," will aid you with the determination and requirements for on-site management. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

Northeast Auto Body will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDSs) and/or chemical analyses, to DES.

2. Env-Wm 507.01(a)(3) Storage Requirements

At the time of the inspection, one (1) 5-gallon container of hazardous waste paint was not closed. See the attached Main Storage Area Container Inventory ("Inventory").

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Northeast Auto Body ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

3. Env-Wm 507.03(a)(1)b., c., and d. - Container and Tank Marking

At the time of the inspection, the one (1) 5-gallon container of hazardous waste paint and one (1) 275-gallon aboveground storage tank (AST) were not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number (see the attached Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers and tanks used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

DES requests that Northeast Auto Body properly mark all containers and tanks of hazardous waste, at the time they are first used to store waste, with: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

4. Env-Wm 508.03(b) – Hazardous Waste Tanks

At the time of the inspection, Northeast Auto Body was not managing the 275-gallon AST containing hazardous waste paint in compliance with 40 CFR Part 265 Subpart J

Env-Wm 508.03(b) requires small quantity generators using the extended storage provision to manage hazardous waste tanks in accordance with 40 CFR Part 265 Subpart J – Tanks, except for 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201.

DES requests that Northeast Auto Body manage the 275-gallon AST containing hazardous waste paint in accordance with 40 CFR Part 265 Subpart J, including but not limited to, conducting and documenting daily inspections of the hazardous waste tank, and having in place spill prevention controls and overfill protection controls.

Alternatively, Northeast Auto Body may elect to cease the use of the AST and store the hazardous waste paint in containers (e.g., 55-gallon drums) in accordance with Env-Wm 507 and Env-Wm 508.03. These rules include, but are not limited to:

- (a) Containers must be stored on impervious surfaces (concrete or asphalt);
- (b) Containers may not be stored in areas with functional floor drains or manholes, unless secondary containment is provided;
- (c) If containers are stored outside, they must be covered to prevent precipitation from coming in contact with the tops of the containers, and they must not be stored within 50 feet of surface waters; and
- (d) Containers must be inspected at least weekly, looking for leak and deterioration due to corrosion or other factors.

Northeast Auto Body will need to submit documentation of full compliance with the applicable portions of 40 CFR Part 265 Subpart J – Tanks, if it continues to store the hazardous waste paint in the AST. However, if Northeast Auto Body elects to store the hazardous waste paint in containers, documentation of compliance with Env-Wm 507 and Env-Wm 508.03 should be submitted.

5 Env-Wm 508.03(e) – Emergency Posting

At the time of the inspection, Northeast Auto Body did not have an emergency posting located at the telephone nearest to the hazardous waste storage area.

Env-Wm 508.03(e) requires that small quantity generators using extended storage provision shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the telephone nearest to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, hospital, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and
- (c) The location of fire extinguishers and spill control material, and if present, fire alarms.

DES requests that Northeast Auto Body post the required emergency information at the telephone nearest to each hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

6. Env-Wm 508.03(f) – Personnel Training

At the time of the inspection, employees at Northeast Auto Body were not thoroughly familiar with proper hazardous waste handling procedures.

Env-Wm 508.03(f) requires that small quantity generators using extended storage provision shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

DES requests that Northeast Auto Body ensure and certify to DES that all personnel are made aware of hazardous waste handling and emergency procedures relevant to their job duties at the facility.

7 Env-Wm 508.03(g) – Preparedness and Prevention

At the time of inspection, Northeast Auto Body had not placed emergency spill control equipment at or near the hazardous waste storage area; had not made emergency response arrangements, as appropriate, with the local fire department and police department; and was not managing the AST in a manner to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste to air, soil or surface water.

Env-Wm 508.03(g) requires small quantity generators to comply with 40 CFR Part 265 Subpart C, Preparedness and Prevention, including maintaining spill control equipment at or near each hazardous waste storage area; ensuring that arrangements are made with local authorities in case of an emergency at the facility; and maintaining and operating the facility in a manner to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste to air, soil or surface water which could threaten human health or the environment.

DES requests that Northeast Auto Body comply with 40 CFR Part 265 Subpart C by:

Maintaining spill control equipment such as speedi-dry or absorbent rags at or near each hazardous waste storage area;

Making arrangements (e.g. letter/tour) to familiarize local authorities (*i.e.*, fire department and police department) with the facility layout and with properties of the hazardous waste(s) handled at the facility; and

Ensuring that no hazardous waste paint/thinner is spilled while being added to or removed from the AST.

Northeast Auto Body will need to submit documentation to DES substantiating full compliance with 40 CFR Part 265 Subpart C.

8. Env-Wm 508.03(h) – Ignitable Wastes

At the time of inspection, DES inspectors confirmed that a “No Smoking” sign was not posted in the hazardous waste storage area where ignitable hazardous waste paint was stored.

Env-Wm 508.03 (h) requires that “No Smoking” signs be posted wherever there is a hazard from ignitable waste.

DES requests that Northeast Auto Body ensure that “No Smoking” signs are posted at all areas where there is a hazard from ignitable waste.

The July 14, 2003 inspection revealed that Northeast Auto Body generates contaminated wipers that are collected for laundering by an outside contractor. The wipers were stored in unsealed containers in the facility. As a result, a potential hazard exists due to the contaminated wipers combined with the unsealed containers observed venting to the atmosphere. Contaminated wipers generated by Northeast Auto Body are subject to the enclosed DES Environmental Fact Sheet #WMD- HW-6, “Contaminated Cloth Wipers for Laundering.” However, Northeast Auto Body’s management practices are inconsistent with the established policy. Therefore, DES recommends that Northeast Auto Body amend the current contaminated

wiper management and storage practices to establish full compliance. Please submit documentation of full compliance with the DES "Contaminated Cloth Wipers for Laundering Policy.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Northeast Auto Body can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Northeast Auto Body, including issuing an order requiring that deficiencies be corrected initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.


It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect

your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll-free at (1-866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: RCRA/DB/LOD
Phillip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosed: Hazardous Waste Generator Inspection Report
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management..."
DES Environmental Fact Sheet #WMD- HW-6 "Contaminated Cloth Wipers for Laundering"
Sample Emergency Posting